

vide assurances in its agreement with the Secretary that it has or will have a cooperative relationship with the agency responsible for administering the the² State program funded under part A of title IV of the Social Security Act [42 U.S.C. 601 et seq.] in the area served by the project.

(e) Authorization of appropriations

For the purpose of conducting projects under this section, there is authorized to be appropriated an amount not to exceed \$25,000,000 for any fiscal year.

(Pub. L. 100-485, title V, §505, Oct. 13, 1988, 102 Stat. 2404; Pub. L. 101-508, title V, §5063, Nov. 5, 1990, 104 Stat. 1388-232; Pub. L. 103-432, title II, §261(a), Oct. 31, 1994, 108 Stat. 4467; Pub. L. 104-193, title I, §112, Aug. 22, 1996, 110 Stat. 2176; Pub. L. 105-33, title V, §5515, Aug. 5, 1997, 111 Stat. 620.)

REFERENCES IN TEXT

The Social Security Act, referred to in subsecs. (b)(3), (c)(1)(C), (2), and (d), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended. Part A of title IV of the Act is classified generally to part A (§601 et seq.) of subchapter IV of chapter 7 of this title. For complete classification of this Act to the Code, see section 1305 of this title and Tables.

CODIFICATION

Section was formerly classified to section 9910d of this title. Prior to such classification, section was set out as a note under section 1315 of this title.

Section was enacted as part of the Family Support Act of 1988, and not as part of the Community Services Block Grant Act which comprises this chapter.

AMENDMENTS

1997—Subsec. (c)(1)(C), (2). Pub. L. 105-33 which directed the amendment of Pub. L. 104-193, §112(5), was executed to that section as if the amendment were retroactive to the effective date of the amendment by Pub. L. 104-193 to reflect the probable intent of Congress. See 1996 Amendment notes below.

1996—Pub. L. 104-193, §112(1), struck out “Demonstration” before “projects” in section catchline.

Subsec. (a). Pub. L. 104-193, §112(2), (3), substituted “shall enter into agreements with” for “in each of the fiscal years 1990, 1991, and 1992, shall enter into agreements with not less than 5 nor more than 10” and “conducting projects” for “conducting demonstration projects”.

Subsec. (b)(1). Pub. L. 104-193, §112(2), struck out “demonstration” after “organization conducting a”.

Subsec. (b)(3). Pub. L. 104-193, §112(4), substituted “assistance under the program funded part A of title IV of the Social Security Act of the State in which the individual resides” for “aid to families with dependent children under part A of title IV of the Social Security Act”.

Subsec. (c)(1)(C). Pub. L. 104-193, §112(5)(A), as amended by Pub. L. 105-33, substituted “assistance under a State program funded under part A of title IV of the Social Security Act” for “aid to families with dependent children under title IV of the Social Security Act”.

Subsec. (c)(2). Pub. L. 104-193, §112(5)(B), as amended by Pub. L. 105-33, substituted “assistance under a State program funded under part A of title IV of the Social Security Act” for “aid to families with dependent children under title IV of such Act”.

Subsec. (d). Pub. L. 104-193, §112(2), (6), struck out “demonstration” after “organization participating in a” and substituted “the State program funded under

part A of title IV of the Social Security Act” for “job opportunities and basic skills training program (as provided for under title IV of the Social Security Act)”.

Subsecs. (e) to (g). Pub. L. 104-193, §112(7), added subsec. (e) and struck out former subsec. (e) which related to duration of demonstration projects under this section, subsec. (f) which required evaluation of the success of each demonstration project, and subsec. (g) which authorized appropriations for the conduct of demonstration projects for each of fiscal years 1990 to 1996.

1994—Subsec. (e). Pub. L. 103-432, §261(a)(1), substituted “6-year period” for “3-year period”.

Subsec. (f)(2). Pub. L. 103-432, §261(a)(2), substituted “January 1, 1995” for “January 1, 1993”.

Subsec. (g). Pub. L. 103-432, §261(a)(3), substituted “1991, 1992, 1993, 1994, 1995, and 1996” for “1991, and 1992”.

1990—Subsec. (a). Pub. L. 101-508, §5063(1), inserted “in each of the fiscal years 1990, 1991, and 1992,” before “shall”.

Subsec. (e). Pub. L. 101-508, §5063(2), substituted “September 30 of the fiscal year specified in the agreement described in subsection (a) of this section” for “September 30, 1989”.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-193 effective July 1, 1997, with transition rules relating to State options to accelerate such date, rules relating to claims, actions, and proceedings commenced before such date, rules relating to closing out of accounts for terminated or substantially modified programs and continuance in office of Assistant Secretary for Family Support, and provisions relating to termination of entitlement under AFDC program, see section 116 of Pub. L. 104-193, as amended, set out as an Effective Date note under section 601 of this title.

EFFECTIVE DATE OF 1994 AMENDMENT

Pub. L. 103-432, title II, §261(b), Oct. 31, 1994, 108 Stat. 4467, provided that: “The amendments made by subsection (a) [amending this section] shall take effect on October 1, 1993.”

CHAPTER 107—CONSUMER-PATIENT RADIATION HEALTH AND SAFETY

Sec.	
10001.	Statement of findings.
10002.	Statement of purpose.
10003.	Definitions.
10004.	Promulgation of standards.
10005.	Model statute.
10006.	Compliance.
10007.	Federal radiation guidelines.
10008.	Applicability to Federal agencies.

§ 10001. Statement of findings

The Congress finds that—

(1) it is in the interest of public health and safety to minimize unnecessary exposure to potentially hazardous radiation due to medical and dental radiologic procedures;

(2) it is in the interest of public health and safety to have a continuing supply of adequately educated persons and appropriate accreditation and certification programs administered by State governments;

(3) the protection of the public health and safety from unnecessary exposure to potentially hazardous radiation due to medical and dental radiologic procedures and the assurance of efficacious procedures are the responsibility of State and Federal governments;

(4) persons who administer radiologic procedures, including procedures at Federal facilities, should be required to demonstrate com-

² So in original.

petence by reason of education, training, and experience; and

(5) the administration of radiologic procedures and the effect on individuals of such procedures have a substantial and direct effect upon United States interstate commerce.

(Pub. L. 97-35, title IX, §976, Aug. 13, 1981, 95 Stat. 598.)

SHORT TITLE

Pub. L. 97-35, title IX, §975, Aug. 13, 1981, 95 Stat. 598, provided that: "This subtitle [subtitle I (§§975-983) of title IX of Pub. L. 97-35, enacting this chapter] may be cited as the 'Consumer-Patient Radiation Health and Safety Act of 1981'."

§ 10002. Statement of purpose

It is the purpose of this chapter to—

(1) provide for the establishment of minimum standards by the Federal Government for the accreditation of education programs for persons who administer radiologic procedures and for the certification of such persons; and

(2) insure that medical and dental radiologic procedures are consistent with rigorous safety precautions and standards.

(Pub. L. 97-35, title IX, §977, Aug. 13, 1981, 95 Stat. 599.)

§ 10003. Definitions

Unless otherwise expressly provided, for purposes of this chapter, the term—

(1) "radiation" means ionizing and nonionizing radiation in amounts beyond normal background levels from sources such as medical and dental radiologic procedures;

(2) "radiologic procedure" means any procedure or article intended for use in—

(A) the diagnosis of disease or other medical or dental conditions in humans (including diagnostic X-rays or nuclear medicine procedures); or

(B) the cure, mitigation, treatment, or prevention of disease in humans;

that achieves its intended purpose through the emission of radiation;

(3) "radiologic equipment" means any radiation electronic product which emits or detects radiation and which is used or intended for use to—

(A) diagnose disease or other medical or dental conditions (including diagnostic X-ray equipment); or

(B) cure, mitigate, treat, or prevent disease in humans;

that achieves its intended purpose through the emission or detection of radiation;

(4) "practitioner" means any licensed doctor of medicine, osteopathy, dentistry, podiatry, or chiropractic, who prescribes radiologic procedures for other persons;

(5) "persons who administer radiologic procedures" means any person, other than a practitioner, who intentionally administers radiation to other persons for medical purposes, and includes medical radiologic technologists (including dental hygienists and assistants), radiation therapy technologists, and nuclear medicine technologists;

(6) "Secretary" means the Secretary of Health and Human Services; and

(7) "State" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

(Pub. L. 97-35, title IX, §978, Aug. 13, 1981, 95 Stat. 599.)

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

§ 10004. Promulgation of standards

(a) Within twelve months after August 13, 1981, the Secretary, in consultation with the Radiation Policy Council, the Secretary of Veterans Affairs, the Administrator of the Environmental Protection Agency, appropriate agencies of the States, and appropriate professional organizations, shall by regulation promulgate minimum standards for the accreditation of educational programs to train individuals to perform radiologic procedures. Such standards shall distinguish between programs for the education of (1) medical radiologic technologists (including radiographers), (2) dental auxiliaries (including dental hygienists and assistants), (3) radiation therapy technologists, (4) nuclear medicine technologists, and (5) such other kinds of health auxiliaries who administer radiologic procedures as the Secretary determines appropriate. Such standards shall not be applicable to educational programs for practitioners.

(b) Within twelve months after August 13, 1981, the Secretary, in consultation with the Radiation Policy Council, the Secretary of Veterans Affairs, the Administrator of the Environmental Protection Agency, interested agencies of the States, and appropriate professional organizations, shall by regulation promulgate minimum standards for the certification of persons who administer radiologic procedures. Such standards shall distinguish between certification of (1) medical radiologic technologists (including radiographers), (2) dental auxiliaries (including dental hygienists and assistants), (3) radiation therapy technologists, (4) nuclear medicine technologists, and (5) such other kinds of health auxiliaries who administer radiologic procedures as the Secretary determines appropriate. Such standards shall include minimum certification criteria for individuals with regard to accredited education, practical experience, successful passage of required examinations, and such other criteria as the Secretary shall deem necessary for the adequate qualification of individuals to administer radiologic procedures. Such standards shall not apply to practitioners.

(Pub. L. 97-35, title IX, §979, Aug. 13, 1981, 95 Stat. 599; Pub. L. 102-54, §13(q)(13)(A), June 13, 1991, 105 Stat. 281.)

AMENDMENTS

1991—Subsecs. (a), (b). Pub. L. 102-54 substituted "Secretary of Veterans Affairs" for "Administrator of Veterans' Affairs".

§ 10005. Model statute

In order to encourage the administration of accreditation and certification programs by the States, the Secretary shall prepare and transmit to the States a model statute for radiologic procedure safety. Such model statute shall provide that—

(1) it shall be unlawful in a State for individuals to perform radiologic procedures unless such individuals are certified by the State to perform such procedures; and

(2) any educational requirements for certification of individuals to perform radiologic procedures shall be limited to educational programs accredited by the State.

(Pub. L. 97-35, title IX, §980, Aug. 13, 1981, 95 Stat. 600.)

§ 10006. Compliance**(a) Implementation by Secretary**

The Secretary shall take all actions consistent with law to effectuate the purposes of this chapter.

(b) Accreditation or certification program

A State may utilize an accreditation or certification program administered by a private entity if—

(1) such State delegates the administration of the State accreditation or certification program to such private entity;

(2) such program is approved by the State; and

(3) such program is consistent with the minimum Federal standards promulgated under this chapter for such program.

(c) Noncompliance; proposed legislative changes

Absent compliance by the States with the provisions of this chapter within three years after August 13, 1981, the Secretary shall report to the Congress recommendations for legislative changes considered necessary to assure the States' compliance with this chapter.

(d) Repealed. Pub. L. 104-66, title I, § 1061(b), Dec. 21, 1995, 109 Stat. 719**(e) Existing standards and guidelines**

Notwithstanding any other provision of this section, in the case of a State which has, prior to the effective date of standards and guidelines promulgated pursuant to this chapter, established standards for the accreditation of educational programs and certification of radiologic technologists, such State shall be deemed to be in compliance with the conditions of this section unless the Secretary determines, after notice and hearing, that such State standards do not meet the minimum standards prescribed by the Secretary or are inconsistent with the purposes of this chapter.

(Pub. L. 97-35, title IX, §981, Aug. 13, 1981, 95 Stat. 600; Pub. L. 104-66, title I, §1061(b), Dec. 21, 1995, 109 Stat. 719.)

AMENDMENTS

1995—Subsec. (d). Pub. L. 104-66 struck out subsec. (d) which read as follows: "The Secretary shall be responsible for continued monitoring of compliance by the

States with the applicable provisions of this chapter and shall report to the Senate and the House of Representatives by January 1, 1982, and January 1 of each succeeding year the status of the States' compliance with the purposes of this chapter."

§ 10007. Federal radiation guidelines

The Secretary shall, in conjunction with the Radiation Policy Council, the Secretary of Veterans Affairs, the Administrator of the Environmental Protection Agency, appropriate agencies of the States, and appropriate professional organizations, promulgate Federal radiation guidelines with respect to radiologic procedures. Such guidelines shall—

(1) determine the level of radiation exposure due to radiologic procedures which is unnecessary and specify the techniques, procedures, and methods to minimize such unnecessary exposure;

(2) provide for the elimination of the need for retakes of diagnostic radiologic procedures;

(3) provide for the elimination of unproductive screening programs;

(4) provide for the optimum diagnostic information with minimum radiologic exposure; and

(5) include the therapeutic application of radiation to individuals in the treatment of disease, including nuclear medicine applications.

(Pub. L. 97-35, title IX, §982, Aug. 13, 1981, 95 Stat. 601; Pub. L. 102-54, §13(q)(13)(B), June 13, 1991, 105 Stat. 281.)

AMENDMENTS

1991—Pub. L. 102-54 substituted "Secretary of Veterans Affairs" for "Administrator of Veterans Affairs" in introductory provisions.

§ 10008. Applicability to Federal agencies

(a) Except as provided in subsection (b) of this section, each department, agency, and instrumentality of the executive branch of the Federal Government shall comply with standards promulgated pursuant to this chapter.

(b) The Secretary of Veterans Affairs, through the Under Secretary for Health of the Department of Veterans Affairs, shall, to the maximum extent feasible consistent with the responsibilities of such Secretary and Under Secretary for Health under title 38, prescribe regulations making the standards promulgated pursuant to this chapter applicable to the provision of radiologic procedures in facilities over which that Secretary has jurisdiction. In prescribing and implementing regulations pursuant to this subsection, the Secretary of Veterans Affairs shall consult with the Secretary in order to achieve the maximum possible coordination of the regulations, standards, and guidelines, and the implementation thereof, which the Secretary and the Secretary of Veterans Affairs prescribe under this chapter.

(Pub. L. 97-35, title IX, §983, Aug. 13, 1981, 95 Stat. 601; Pub. L. 102-54, §13(q)(13)(C), June 13, 1991, 105 Stat. 282; Pub. L. 102-405, title III, §302(e)(1), Oct. 9, 1992, 106 Stat. 1985.)

AMENDMENTS

1992—Subsec. (b). Pub. L. 102-405 substituted "Under Secretary for Health" for "Chief Medical Director" in two places.

1991—Subsec. (b). Pub. L. 102-54 substituted “The Secretary of Veterans Affairs, through the Chief Medical Director of the Department of Veterans Affairs, shall, to the maximum extent feasible consistent with the responsibilities of such Secretary and Chief Medical Director under title 38” for “(1) The Administrator of Veterans’ Affairs, through the Chief Medical Director of the Veterans’ Administration, shall, to the maximum extent feasible consistent with the responsibilities of such Administrator and Chief Medical Director under subtitle 38”, “over which that Secretary” for “over which the Administrator”, and “Secretary of Veterans Affairs” for “Administrator” wherever else appearing, and struck out pars. (2) and (3) which read as follows:

“(2) Not later than 180 days after standards are promulgated by the Secretary pursuant to this chapter, the Administrator of Veterans’ Affairs shall submit to the appropriate committees of Congress a full report with respect to the regulations (including guidelines, policies, and procedures thereunder) prescribed pursuant to paragraph (1) of this subsection. Such report shall include—

“(A) an explanation of any inconsistency between standards made applicable by such regulations and the standards promulgated by the Secretary pursuant to this chapter;

“(B) an account of the extent, substance, and results of consultations with the Secretary respecting the prescription and implementation of regulations by the Administrator; and

“(C) such recommendations for legislation and administrative action as the Administrator determines are necessary and desirable.

“(3) The Administrator of Veterans’ Affairs shall publish the report required by paragraph (2) in the Federal Register.”

CHAPTER 108—NUCLEAR WASTE POLICY

- | | |
|--------|---|
| Sec. | |
| 10101. | Definitions. |
| 10102. | Separability. |
| 10103. | Territories and possessions. |
| 10104. | Ocean disposal. |
| 10105. | Limitation on spending authority. |
| 10106. | Protection of classified national security information. |
| 10107. | Applicability to atomic energy defense activities. |
| 10108. | Applicability to transportation. |
- SUBCHAPTER I—DISPOSAL AND STORAGE OF HIGH-LEVEL RADIOACTIVE WASTE, SPENT NUCLEAR FUEL, AND LOW-LEVEL RADIOACTIVE WASTE
- | | |
|--------|--|
| 10121. | State and affected Indian tribe participation in development of proposed repositories for defense waste. |
|--------|--|

PART A—REPOSITORIES FOR DISPOSAL OF HIGH-LEVEL RADIOACTIVE WASTE AND SPENT NUCLEAR FUEL

- | | |
|--------|--|
| 10131. | Findings and purposes. |
| 10132. | Recommendation of candidate sites for site characterization. |
| 10133. | Site characterization. |
| 10134. | Site approval and construction authorization. |
| 10135. | Review of repository site selection. |
| 10136. | Participation of States. |
| 10137. | Consultation with States and affected Indian tribes. |
| 10138. | Participation of Indian tribes. |
| 10139. | Judicial review of agency actions. |
| 10140. | Expedited authorizations. |
| 10141. | Certain standards and criteria. |
| 10142. | Disposal of spent nuclear fuel. |
| 10143. | Title to material. |
| 10144. | Consideration of effect of acquisition of water rights. |
| 10145. | Termination of certain provisions. |

Sec.

PART B—INTERIM STORAGE PROGRAM

- | | |
|--------|---|
| 10151. | Findings and purposes. |
| 10152. | Available capacity for interim storage of spent nuclear fuel. |
| 10153. | Interim at-reactor storage. |
| 10154. | Licensing of facility expansions and shipments. |
| 10155. | Storage of spent nuclear fuel. |
| 10156. | Interim Storage Fund. |
| 10157. | Transportation. |

PART C—MONITORED RETRIEVABLE STORAGE

- | | |
|--------|---|
| 10161. | Monitored retrievable storage. |
| 10162. | Authorization of monitored retrievable storage. |
| 10163. | Monitored Retrievable Storage Commission. |
| 10164. | Survey. |
| 10165. | Site selection. |
| 10166. | Notice of disapproval. |
| 10167. | Benefits agreement. |
| 10168. | Construction authorization. |
| 10169. | Financial assistance. |

PART D—LOW-LEVEL RADIOACTIVE WASTE

- | | |
|--------|--|
| 10171. | Financial arrangements for low-level radioactive waste site closure. |
|--------|--|

PART E—REDIRECTION OF NUCLEAR WASTE PROGRAM

- | | |
|---------|-----------------------------------|
| 10172. | Selection of Yucca Mountain site. |
| 10172a. | Siting a second repository. |

PART F—BENEFITS

- | | |
|---------|------------------------|
| 10173. | Benefits agreements. |
| 10173a. | Content of agreements. |
| 10173b. | Review Panel. |
| 10173c. | Termination. |

PART G—OTHER BENEFITS

- | | |
|---------|-------------------------------------|
| 10174. | Consideration in siting facilities. |
| 10174a. | Report. |

PART H—TRANSPORTATION

- | | |
|--------|-----------------|
| 10175. | Transportation. |
|--------|-----------------|

SUBCHAPTER II—RESEARCH, DEVELOPMENT, AND DEMONSTRATION REGARDING DISPOSAL OF HIGH-LEVEL RADIOACTIVE WASTE AND SPENT NUCLEAR FUEL

- | | |
|--------|--|
| 10191. | Purpose. |
| 10192. | Applicability. |
| 10193. | Identification of sites. |
| 10194. | Siting research and related activities. |
| 10195. | Test and evaluation facility siting review and reports. |
| 10196. | Federal agency actions. |
| 10197. | Research and development on disposal of high-level radioactive waste. |
| 10198. | Research and development on spent nuclear fuel. |
| 10199. | Payments to States and Indian tribes. |
| 10200. | Study of research and development needs for monitored retrievable storage proposal. |
| 10201. | Judicial review. |
| 10202. | Research on alternatives for permanent disposal of high-level radioactive waste. |
| 10203. | Technical assistance to non-nuclear weapon states in field of spent fuel storage and disposal. |
| 10204. | Subseabed disposal. |

SUBCHAPTER III—OTHER PROVISIONS RELATING TO RADIOACTIVE WASTE

- | | |
|--------|--|
| 10221. | Mission plan. |
| 10222. | Nuclear Waste Fund. |
| 10223. | Alternative means of financing. |
| 10224. | Office of Civilian Radioactive Waste Management. |